

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT DOUGLAS BENTSCHNEIDER,

Case No. 16-cv-12038

Plaintiff,

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

v.

COMMISSIONER OF SOCIAL SECURITY,

UNITED STATES MAGISTRATE JUDGE
DAVID R. GRAND

Defendant.

**OPINION AND ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [12], DENYING PLAINTIFF’S MOTION FOR SUMMARY
JUDGMENT [9], AND GRANTING THE COMMISSIONER’S MOTION FOR SUMMARY
JUDGMENT [11]**

On June 4, 2016, Robert Douglas Bentschneider (“Plaintiff”) initiated this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), challenging the final decision of Defendant Commissioner of Social Security (“Commissioner”) denying his application for Disability Insurance Benefits (“DIB”) under the Social Security Act (the “Act”). Dkt. No. 1.

The matter was referred to Magistrate David R. Grand, who issued a Report and Recommendation on April 7, 2017. Dkt. No. 12. Magistrate Judge Grant recommended that the Court grant the Commissioner’s Motion for Summary Judgment, Dkt. No. 11, and deny Plaintiff’s Motion for Summary Judgment, Dkt. No. 9. Neither party filed objections to the Magistrate Judge’s Report and

Recommendation and the time period for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that Magistrate Judge Grand reached the correct conclusion.

Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Grand's Report and Recommendation [12] as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [9] is **DENIED**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment [11] is **GRANTED** and the Commissioner's decision is **AFFIRMED**.

IT IS SO ORDERED.

Dated: April 25, 2017

s/Gershwin A. Drain
Hon. Gershwin A. Drain
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 25, 2017.

s/Teresa McGovern

Teresa McGovern
Case Manager Generalist